

### **REMARKS**

The present Amendment and Response is believed to be fully responsive to the Non-final Office Action mailed April 15, 2009. After entry of the present Amendment, Claims 1-4, 7-15, 18-23, 25, 27 and 28 remain pending in this application. By this Amendment, independent Claims 1 and 12 and dependent Claims 3, 4, 8-11, 14, 15, 19-22, 23, 25, 27, and 28 have been amended. Dependent Claims 5, 6, 16, 17, 24, and 26 were previously canceled without prejudice by prior response. It is respectfully asserted that no new matter has been added by the foregoing amendments. Reconsideration of the application is requested in view of the following remarks.

Attorney for the Assignee would like to thank the examiner for the telephonic examiner's interview that was conducted on July 7, 2009. During the interview, an agreement was reached that neither *Cataline* nor *Embrey*, either taken alone or in combination, teaches or suggests the selection of at least one processing factor that is utilized to evaluate a plurality of debit options in order to select a debit option that will be utilized to execute a payment request. More particularly, neither reference teaches or suggests the selection of at least one processing factor from a plurality of processing factors comprising at least one of a risk factor, a cost factor, or a speed factor. As discussed and agreed upon during the telephonic interview, it is respectfully submitted that the currently pending claims of the present application are allowable over the combination of *Cataline* and *Embrey*.

### **Claim Rejections under 35 U.S.C. § 103(a)**

Claims 1-4, 7-15, 18-23, 25, and 27-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0116331 to Cataline et al. (hereinafter "*Cataline*") in view of U.S. Patent Publication No. 2002/0032651 to Embrey (hereinafter "*Embrey*"). More specifically, the Office Action argued that *Cataline* discloses a system and a method for determining a plurality of debit options for debiting a payor account and selecting one of the plurality of debit options. The Office Action recognized that *Cataline* does not teach or suggest the selection of at least one processing factor of a plurality of processing factors that is utilized to evaluate each of the plurality of debit options; however, the Office Action argued that this feature is disclosed by *Embrey*.

Although it is believed that the examined claims are allowable over the cited art references, in order to expedite the allowance of the present application, independent Claims 1 and 12 have been amended to clarify the claimed inventions of the independent claims. More specifically, independent Claim 1 has been amended to recite that "each debit option is associated with a plurality of processing factors comprising at least one of a risk factor, a cost factor, or a speed factor" (Underlining supplied). Independent Claim 1 further recites "selecting ... at least one processing factor of the plurality of processing factors" and "evaluating each debit option ... based on the at least one selected processing factor." Independent Claim 12 has been amended in a similar manner. Support for these amendments may be found at least in FIGS. 6A and 6B of the present application and in the associated text.

As agreed upon in the telephonic examiner's interview conducted on July 7, 2009, it is respectfully submitted that neither *Cataline* nor *Embrey*, either taken alone or in combination, teaches or suggests the selection from a plurality of processing factors of at least one processing factor that is utilized to evaluate each of a plurality of debit options, wherein the plurality of processing factors comprise at least one of a risk factor, a cost factor, or a speed factor. The Office Action admits that *Cataline* does not teach or suggest this feature (See Office Action at page 3). Additionally, as discussed in the examiner's interview, *Embrey* does not teach or suggest the selection of a processing factor that is utilized to evaluate each of a plurality of debit options. Moreover, as agreed upon in the examiner's interview, *Embrey* does not teach or suggest the selection of a processing factor from a plurality of processing factors comprising at least one of a risk factor, a cost factor, or a speed factor, and the evaluation of each debit option based on the at least one selected processing factor.

For at least the above stated reasons, it is respectfully asserted that amended independent Claims 1 and 12 are allowable over *Cataline* and *Embrey*, either taken alone or in combination. Therefore, it is respectfully asserted that the amended independent claims are in condition for allowance. Additionally, it is respectfully asserted that dependent Claims 2-4, 7-11, 13-15, 18-23, 25, 27 and 28 are allowable as a matter of law as being dependent on an allowable base claim, notwithstanding their independent recitations of patentable subject matter.

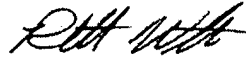
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### **CONCLUSION**

It is believed that each matter raised by the Office Action has been responded to. Allowance of the pending claims is respectfully solicited. It is not believed that extensions of time or additional fees are required beyond those that may otherwise be provided for in the documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

If there are any issues which can be resolved by teleconference call or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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